

Senate File 503 - Enrolled

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SENATE FILE 503

AN ACT

RELATING TO REGULATION OF CHILDREN'S SERVICES BY THE
DEPARTMENT OF HUMAN SERVICES BY INCREASING THE AGE FOR
CERTAIN CHILDREN RECEIVING CHILD CARE REGULATED BY THE
DEPARTMENT AND REVISING CHILD WELFARE AND JUVENILE JUSTICE
SERVICE PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

DIVISION I CHILD CARE SERVICES

Section 1. Section 237A.13, subsection 1, Code 2007, is
amended by adding the following new paragraph:
NEW PARAGRAPH. f. The person's family circumstances are
described in paragraph "a", "b", "c", or "d", the person is
thirteen years of age or older but younger than sixteen years
of age, and state child care assistance is approved for the
person by the director or the director's designee based on a
request for an exception to policy made by the person's
parent, guardian, or custodian because special family
circumstances exist that would place the safety and well-being
of the person at risk if the person is left home alone. The
definition of child in section 237A.1 does not apply to child
care supported by state child care assistance approved
pursuant to this lettered paragraph.

DIVISION II

INTERSTATE PLACEMENT OF CHILDREN IN FOSTER CARE

Sec. 2. Section 232.2, subsection 4, paragraph e, Code
2007, is amended to read as follows:

~~e. To the extent the records are available and accessible,~~
~~a summary of The most recent information available regarding~~
the child's health and education records, including the date
the records were supplied to the agency or individual who is
the child's foster care provider.

Sec. 3. Section 232.2, subsection 4, paragraph i, Code
2007, is amended to read as follows:
i. A provision that a designee of the department or other
person responsible for placement of a child out of state shall
visit the child at least once every ~~twelve~~ six months.

Sec. 4. Section 232.57, subsection 1, Code 2007, is
amended to read as follows:

1. For the purposes of this division, unless the context
otherwise requires, "reasonable efforts" means the efforts
made to prevent permanent removal of a child from the child's
home and to encourage reunification of the child with the
child's parents and family. Reasonable efforts shall include
but are not limited to giving consideration, if appropriate,
to interstate placement of a child in the permanency planning
decisions involving the child and giving consideration to
in-state and out-of-state placement options at a permanency
hearing and when using concurrent planning. If a court order
includes a determination that continuation of the child in the
child's home is not appropriate or not possible, reasonable
efforts may include the efforts made in a timely manner to
finalize a permanency plan for the child.

Sec. 5. Section 232.58, subsection 2, Code 2007, is
amended to read as follows:

2. Reasonable notice shall be provided of a permanency
hearing for an out-of-home placement in which the court order
has included a determination that continuation of the child in
the child's home is contrary to the child's welfare. A
permanency hearing shall be conducted in substantial
conformance with the provisions of section 232.99. During the
hearing, the court shall consider the child's need for a
secure and permanent placement in light of any case permanency
plan or evidence submitted to the court and the reasonable
efforts made concerning the child. Upon completion of the
hearing, the court shall enter written findings identifying a
primary permanency goal for the child. If a case permanency
plan is in effect at the time of the hearing, the court shall
also make a determination as to whether reasonable progress is

3 4 being made in achieving the permanency goal and in complying
3 5 with the other provisions of that case permanency plan.

3 6 Sec. 6. Section 232.102, subsection 10, paragraph a,
3 7 unnumbered paragraph 1, Code 2007, is amended to read as
3 8 follows:

3 9 As used in this division, "reasonable efforts" means the
3 10 efforts made to preserve and unify a family prior to the
3 11 out-of-home placement of a child in foster care or to
3 12 eliminate the need for removal of the child or make it
3 13 possible for the child to safely return to the family's home.

3 14 Reasonable efforts shall include but are not limited to giving
3 15 consideration, if appropriate, to interstate placement of a
3 16 child in the permanency planning decisions involving the child
3 17 and giving consideration to in-state and out-of-state

3 18 placement options at a permanency hearing and when using
3 19 concurrent planning. If returning the child to the family's

3 20 home is not appropriate or not possible, reasonable efforts
3 21 shall include the efforts made in a timely manner to finalize
3 22 a permanency plan for the child. A child's health and safety
3 23 shall be the paramount concern in making reasonable efforts.
3 24 Reasonable efforts may include intensive family preservation
3 25 services or family-centered services, if the child's safety in
3 26 the home can be maintained during the time the services are
3 27 provided. In determining whether reasonable efforts have been
3 28 made, the court shall consider both of the following:

3 29 Sec. 7. Section 232.104, subsection 1, paragraph c, Code
3 30 2007, is amended to read as follows:

3 31 c. Reasonable notice of a permanency hearing shall be
3 32 provided to the parties. A permanency hearing shall be
3 33 conducted in substantial conformance with the provisions of
3 34 section 232.99. During the hearing, the court shall consider
3 35 the child's need for a secure and permanent placement in light
4 1 of any permanency plan or evidence submitted to the court and
4 2 the reasonable efforts made concerning the child. Upon

4 3 completion of the hearing, the court shall enter written
4 4 findings and make a determination identifying a primary
4 5 permanency goal for the child. If a permanency plan is in
4 6 effect at the time of the hearing, the court shall also make a
4 7 determination as to whether reasonable progress is being made
4 8 in achieving the permanency goal and complying with the other
4 9 provisions of that permanency plan.

4 10 DIVISION III
4 11 CHILD WELFARE FAMILY-CENTERED AND
4 12 FAMILY PRESERVATION SERVICES

4 13 Sec. 8. Section 225C.49, subsection 1, unnumbered
4 14 paragraph 1, Code 2007, is amended to read as follows:

4 15 The department shall provide coordination of the programs
4 16 administered by the department which serve individuals with a
4 17 disability and the individuals' families, including but not
4 18 limited to the following juvenile justice and child welfare
4 19 services: family-centered and intensive family preservation
4 20 services described under section 232.102, decategorization of
4 21 child welfare funding provided for under section 232.188, and
4 22 foster care services paid under section 234.35, subsection 3.
4 23 The department shall regularly review administrative rules
4 24 associated with such programs and make recommendations to the
4 25 council on human services, governor, and general assembly for
4 26 revisions to remove barriers to the programs for individuals
4 27 with a disability and the individuals' families including the
4 28 following:

4 29 Sec. 9. Section 232.102, subsection 10, Code 2007, is
4 30 amended to read as follows:

4 31 10. a. As used in this division, "reasonable efforts"
4 32 means the efforts made to preserve and unify a family prior to
4 33 the out-of-home placement of a child in foster care or to
4 34 eliminate the need for removal of the child or make it
4 35 possible for the child to safely return to the family's home.

5 1 If returning the child to the family's home is not appropriate
5 2 or not possible, reasonable efforts shall include the efforts
5 3 made in a timely manner to finalize a permanency plan for the
5 4 child. A child's health and safety shall be the paramount
5 5 concern in making reasonable efforts. Reasonable efforts may
5 6 include intensive family preservation services or but are not
5 7 limited to family-centered services, if the child's safety in

5 8 the home can be maintained during the time the services are
5 9 provided. In determining whether reasonable efforts have been
5 10 made, the court shall consider both of the following:

5 11 (1) The type, duration, and intensity of services or
5 12 support offered or provided to the child and the child's
5 13 family. If intensive family preservation family-centered
5 14 services were not provided, the court record shall enumerate

5 15 the reasons the services were not provided, including but not
5 16 limited to whether the services were not available, not
5 17 accepted by the child's family, judged to be unable to protect
5 18 the child and the child's family during the time the services
5 19 would have been provided, judged to be unlikely to be
5 20 successful in resolving the problems which would lead to
5 21 removal of the child, or other services were found to be more
5 22 appropriate.

5 23 (2) The relative risk to the child of remaining in the
5 24 child's home versus removal of the child.

5 25 b. As used in this section+

5 26 ~~(1) "Family-centered, "family=~~centered services" means
5 27 ~~services which utilize a comprehensive approach to addressing~~
5 28 ~~the problems of individual family members, whether or not the~~
5 29 ~~problems are integrally related to the family, within the~~
5 30 ~~context of the family and other support intended to safely~~
5 31 ~~maintain a child with the child's family or with a relative,~~
5 32 ~~to safely and in a timely manner return a child to the home of~~
5 33 ~~the child's parent or relative, or to promote achievement of~~
5 34 ~~concurrent planning goals by identifying and helping the child~~
5 35 ~~secure placement for adoption, with a guardian, or with other~~
6 1 ~~alternative permanent family connections.~~ Family=centered
6 2 services are adapted to the individual needs of a family in
6 3 ~~the regard to the specific services and other support provided~~
6 4 ~~to the child's family and the intensity and duration of~~
6 5 ~~service delivery and.~~ Family=centered services are intended
6 6 ~~to preserve a child's connections to the child's neighborhood,~~
6 7 ~~community, and family and to improve the overall capacity of~~
6 8 ~~the child's family functioning to provide for the needs of the~~
6 9 ~~children in the family.~~

6 10 (2) ~~"Intensive family preservation services" means~~
6 11 ~~services provided to a family with a child who is at imminent~~
6 12 ~~risk of out-of-home placement. The services are designed to~~
6 13 ~~address any problem creating the need for out-of-home~~
6 14 ~~placement and have the following characteristics: are~~
6 15 ~~persistently offered but provided at the family's option; are~~
6 16 ~~provided in the family's home; are available twenty-four hours~~
6 17 ~~per day; provide a response within twenty-four hours of the~~
6 18 ~~initial contact for assistance; have worker caseloads of not~~
6 19 ~~more than two through four families per worker at any one~~
6 20 ~~time; are provided for a period of four to six weeks; and~~
6 21 ~~provide funding in order to meet the special needs of a~~
6 22 ~~family.~~

6 23 Sec. 10. Section 234.6, subsection 6, paragraph c, Code
6 24 2007, is amended to read as follows:

6 25 c. ~~Intensive family preservation services and~~
6 26 ~~family-centered~~ Family=centered services, as defined in
6 27 section 232.102, subsection 10, paragraph "b".

6 28 DIVISION IV

6 29 CHILD=PLACING AGENCY INSPECTIONS

6 30 Sec. 11. Section 238.20, Code 2007, is amended to read as
6 31 follows:

6 32 238.20 MINIMUM INSPECTION == RECORD.

6 33 Authorized employees of the department of inspections and
6 34 appeals shall visit and inspect the premises of licensed
6 35 child=placing agencies at least once every ~~six~~ twelve months
7 1 and make and preserve written reports of the conditions found.

7 2 DIVISION V

7 3 LICENSED FOSTER CARE == RECORD CHECKS

7 4 Sec. 12. Section 237.8, subsection 2, paragraph a, Code
7 5 2007, is amended by adding the following new subparagraphs:

7 6 NEW SUBPARAGRAPH. (1A) For an individual subject to
7 7 licensure under this chapter as a foster parent, in addition
7 8 to the record checks conducted under subparagraph (1), the
7 9 individual's fingerprints shall be provided to the department
7 10 of public safety for submission through the state criminal
7 11 history repository to the United States department of justice,
7 12 federal bureau of investigation for a national criminal
7 13 history check. The cost of the criminal history check
7 14 conducted under this subparagraph is the responsibility of the
7 15 department of human services.

7 16 NEW SUBPARAGRAPH. (1B) If the criminal and child abuse
7 17 record checks conducted in this state under subparagraph (1)
7 18 for an individual being considered for licensure as a foster
7 19 parent have been completed and the individual either does not
7 20 have a record of crime or founded abuse or the department's
7 21 evaluation of the record has determined that prohibition of
7 22 the individual's licensure is not warranted, the individual
7 23 may be provisionally approved for licensure pending the
7 24 outcome of the fingerprint-based criminal history check
7 25 conducted pursuant to subparagraph (1A).

7 26 DIVISION VI
7 27 PREADOPTIVE CARE PROVIDERS
7 28 Sec. 13. Section 232.91, subsection 3, Code 2007, is
7 29 amended to read as follows:
7 30 3. Any person who is entitled under section 232.88 to
7 31 receive notice of a hearing concerning a child shall be given
7 32 the opportunity to be heard in any other review or hearing
7 33 involving the child. A foster parent, relative, or other
7 34 individual with whom a child has been placed for preadoptive
7 35 care shall have the right to be heard in any proceeding
8 1 involving the child.

8 2 Sec. 14. Section 232.116, subsection 2, paragraph c, Code
8 3 2007, is amended to read as follows:

8 4 c. ~~For a child who has been placed in foster family care,~~
8 5 ~~any The relevant testimony or written statement provided by~~
8 6 ~~the child's foster parents that a foster parent, relative, or~~
8 7 ~~other individual with whom the child has been placed for~~
8 8 ~~preadoptive care or other care has a right to provide to the~~
8 9 ~~court.~~

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8 13 _____
8 14 JOHN P. KIBBIE
8 15 President of the Senate
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8 18 _____
8 19 PATRICK J. MURPHY
8 20 Speaker of the House

8 21 I hereby certify that this bill originated in the Senate and
8 22 is known as Senate File 503, Eighty=second General Assembly.

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8 26 _____
8 27 MICHAEL E. MARSHALL
8 28 Secretary of the Senate

8 28 Approved _____, 2007

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8 31 _____
8 32 CHESTER J. CULVER
8 33 Governor